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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,157	04/01/2002	Livia Dagne	114-01	8553

23713 7590 10/15/2003

GREENLEE WINNER AND SULLIVAN P C  
5370 MANHATTAN CIRCLE  
SUITE 201  
BOULDER, CO 80303

EXAMINER

BLACKNER, HENRY A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/009,157

Applicant(s)

DRAGNE ET AL.

Examiner

Henry A. Blackner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,8 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 14-17 are independent claims in that they claim a blasting system including a control system rather than a system for controlling a blasting network and thus the application contains a total number of (6) independent claims. Applicant is required to pay an additional fee, due to the additional independent claims.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

The disclosure is objected to because of the following informality: Suggest deleting the term “*filter*”, page 5 line 6, and replacing with the phrase “*communication fire wall*”.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, 8, and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,404,820 to Hendrix.

In regards to claim 1, Hendrix clearly discloses a method of controlling a blasting network (10) which includes the steps of designating at least one unsafe message, placing a communication link between a control unit (16) and the network in a control mode in which the

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communication link is monitored for the unsafe message, in said control mode preventing the unsafe message, when detected, from reaching the blasting network, and placing the communication link in an operational mode in which any previously designated unsafe message is allowed to reach the blasting network, and wherein in both the control mode and the operational mode any message which has not been designated as unsafe is permitted to be transmitted via the communication link, in figures 1, 4, and 5, in column 3 lines 22-28, column 4 lines 19-22 and lines 46-68, column 5 lines 1-12, lines 28-33, lines 45-55, and lines 66-68, and column 6 lines 1-5 and lines 38-41.

In regards to claim 2, Hendrix clearly discloses a method wherein the control mode of the communication link the or each unsafe message is prevented from reaching the blasting network by preventing the onward transmission of the unsafe message, in column 4 lines 46-52.

In regards to claim 7, Hendrix clearly discloses a system for controlling a blasting network (10) which includes a control unit (16) and a communication link for the network, the communication link being capable of being placed in a control mode and in an operational mode, and a monitoring device (6) for monitoring the communication link for at least one previously designated unsafe message, wherein the communication link in it's control mode prevents any detected unsafe message from being transmitted to the blasting network and in it's operational mode permits any previously designated unsafe message to be transmitted to the blasting network, and wherein in both it's control mode and it's operational mode the communication link permits any message which has not been designated as unsafe to be transmitted via the communication link, in figures 1, 4, and 5, in column 3 lines 22-28, column 4 lines 19-22 and

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lines 46-68, column 5 lines 1-12, lines 28-33, lines 45-55, and lines 66-68, and column 6 lines 1-5 and lines 38-41.

In regards to claim 8, see rejection for corresponding parts of claim 2, above.

In regards to claim 11, Hendrix clearly discloses wherein the control unit is capable of generating legal unsafe messages, which are transmitted via the communication link in its operational mode, in column 4 lines 46-52.

In regards to claim 12, Hendrix clearly discloses wherein the monitoring device is a filter, in column 3 lines 30-38 and column 4 lines 41-45.

In regards to claim 13, Hendrix clearly discloses wherein the communication link is placed in its control and operational modes by means of a switch (32), in column 4 lines 46-52.

In regards to claim 14, Hendrix clearly discloses a blasting system including a control system connected to a blasting network (10), in figure 1, column 4 lines 63-68, column 5 lines 1-12, lines 28-33, lines 45-55, lines 66-68, and column 6 lines 1-5.

In regards to claim 15, Hendrix clearly discloses a blasting system including a control system connected to a blasting network (10) wherein the control unit (16) of the control system is capable of generating legal unsafe messages, which are transmitted via the communication link in its operational mode, in figure 1, column 4 lines 46-52, lines 63-68, column 5 lines 1-12, lines 28-33, lines 45-55, lines 66-68, and column 6 lines 1-5

In regards to claim 16, Hendrix clearly discloses blasting system including a control system connected to a blasting network (10) wherein the monitoring device (6) of the control system is a filter, in figure 1, column 3 lines 30-38, column 4 lines 41-45, lines 63-68, column 5 lines 1-12, lines 28-33, lines 45-55, lines 66-68, and column 6 lines 1-5

In regards to claim 17, Hendrix clearly discloses blasting system including a control system connected to a blasting network (10) wherein the communication link of the control system is placed in it's control and operation modes by means of a switch (32), in figure 1, column 4 lines 46-52, lines 63-68, column 5 lines 1-12, lines 28-33, lines 45-55, lines 66-68, and column 6 lines 1-5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrix in view of Early. Hendrix discloses the claimed invention, except for illustrating that the method of designating an unsafe message includes two unsafe messages. Early teaches in figure 4, column 3 lines 55-60, column 7 lines 49-54 and lines 58-67, and column 8 lines 1-4 and lines 46-52, that a first laser (34) is used to provide a high power peak short duration pulse and that a second laser

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(36) is used to provide a low peak power long duration pulse, which are combined in order to regulate the rate and duration of laser energy delivery. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ Early's method of combining the energy of two lasers in order to achieve the desired effect of an optimal ignition performance.

### ***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents show the state of the art in the field of Method and System for Controlling a Blasting Network.

U.S. Patent No. 6,470,801 B1 to Swart et al.

U.S. Patent No. 6,247,408 B1 to Andrejkovies et al.

U.S. Patent No. 5,773,749 to Cotton, III et al.

U.S. Patent No. 4,674,047 to Tyler et al.

Foreign Patent No. EP 0301848 to Jullian

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry A. Blackner whose telephone number is 703-305-4799. The examiner can normally be reached on 09:15 - 17:45.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

hab  
8 October 2003

MICHAEL CARONE  
SUPERVISOR